

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8164 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHAILALBHAI RAMABHAI VASAVA

Versus

STATE OF GUJARAT

Appearance:

MR RA MISHRA for Petitioner

MR KT DAVE Asstt. GP for the Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/09/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. K.T.Dave, learned Assistant Government Pleader for the respondents. Heard. The petitioner is before this Court challenging his removal as a member of the District Panchayat. The petitioner has remedy by way of appeal under section 85(3) of the Gujarat Panchayats Act. The petitioner's request is that his removal should not be operative else his remedy by way of appeal would stand

frustrated and become infructuous. Hence, in the facts and circumstances of the case, following direction is issued:

The impugned order of removal of the petitioner as a member of the District Panchayat will remain stayed during the period of appeal that is to be filed by the petitioner before the appellate authority under section 85(3) of the Gujarat Panchayats Act. The appeal will accordingly be filed by the petitioner on or before 30th September, 1998. Subject to the above direction, this petition is disposed of. Rule is discharged with no order as to cost.

28.9.1998. (M.S.Parikh,J.)

Vyas